

## **Generating Illegality and Precarity through Forced Resettlement in Peri-urban Delhi in India**

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### **Introduction**

*“At least we are not homeless! We have access to resettlement plots! Yes, we don’t own these plots but at least we have the right to stay put....it (right to stay)is the same as owning the land... and if nothing works out we can go back to our villages...”*

Kanai, a resident of the Savda resettlement colony located in Delhi’s western periphery expressed his perception and experience of displacement from the central part of Delhi and consequent resettlement. Kanai’s statement touches upon two analytical points, which are crucial in understanding and drawing theories of urban problems in developing nations. First, it addresses the question of land (plots) in the urban context that is accessible to the resettled poor unlike those displaced population across the world who are rendered homeless after getting displaced because of lack of formal institutionalized resettlement programs. Secondly, Kanai’s statement about the sameness between the ownership of land (resettlement plot) and the right to stay put over the land brings to notice the informality of land holdings in the urban context.

A critical literature on urban problems in Asia has burgeoned in the last decade (Ghertner 2015; Robinson 2015; Roy 2005, 2009, 2011, 2015; Roy & Ong 2011; Simone 2011, 2006; Wu 2004; Zhang 2001). The focus of this literature is comparative in a critical response to longstanding Anglo-American urban theories that consider variations of urban experiences as

empirical variations (Scott & Storper 2015; Watson 2009). In contrast, the literature on comparative urbanism calls attention both to similarities and dissimilarities of urban problems in western and Asian countries, recognizing that subsuming non-western experiences under the rubric of western models and logics is problematic (Ghertner 2014, 2015; Robinson 2015; Roy 2015; for a similar view from a Latin American perspective see Crossa 2009; Janosch & Sequera 2016). Application of western theories to Asian contexts neglects the historically embedded processes that shape urban planning. For example, approaches to governance in Asian countries such as India, China and South Korea are to varying degrees state-centered, and therefore may include forced resettlement as part of urban planning, unlike in the United States. Although the political system, including the government and the judiciary in India and China, refer to these state-centered policies as being welfare oriented, scholars have recognized that these policies do not cater to welfare of the poor, and instead service the middle class and private corporations (Bayat 2000; Chatterjee 2004; Chatterjee 2014; Kundu 2011; Wu 2004; Shin 2011). Authors argue that the engagement of the state is not an outcome of welfare-oriented approaches of development rather it is a ‘spatial *mode of governance*’ of poverty (Roy 2003).

Authors also have pointed out that studying displacement tends to be linked with gentrification theory. However, gentrification theory assumes private ownership of land as a given condition and therefore, gentrification as an analytic fails to capture displacement taking place in cities with enduring legacies of large scale public land ownership, common property, mixed tenure or informality of land ownership (Ghertner 2016). For example in India both private and non-private land tenure systems exist. And by “non-private” land tenure I do not mean publicly owned land rather by I define the “non-private” land tenure as a unique land arrangement that is typical of colonized nations where public land is either occupied by the poor

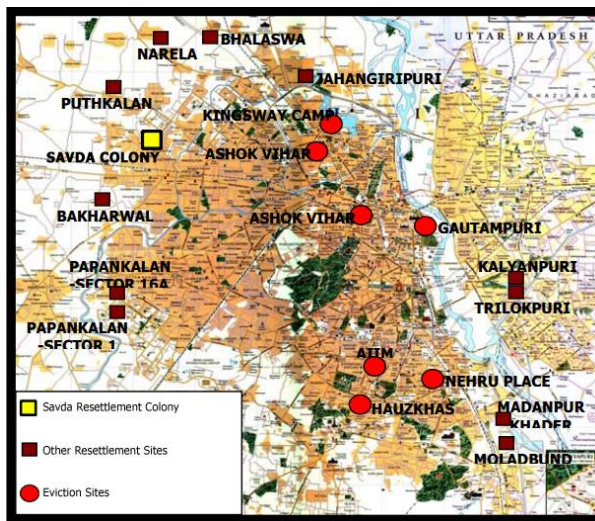
for generations leading to a subtle justification for right to the land or land allotted to the displaced as part of resettlement program without providing them ownership rights. Both of these conditions create possibilities for occupancy without ownership. This kind of non-private land tenure is particularly noticeable in the peri-urban parts of large cities such as Delhi. And it is this unique land arrangement in the peri-urban areas that opens up discussion for newer forms and processes of displacement as well as understanding the specific lived experiences of displacement in the peri-urban regions. *My central argument is that these non-privatized land tenure systems are deeply political governing strategies for legitimizing multiple rounds of displacement.*

### **Background of the Study**

Long-term as well as recent migrants from rural areas and smaller cities and towns in India frequently squat on public land in the central zones of large cities because of access to jobs and basic amenities such as sanitation, drinking water, and health care. The United Nations prescribes its member states to attain a “cities without slum” target by providing land tenure rights to the poor squatting in public land in cities (Millennium Development Report 2015). However, instead of ensuring land-tenure rights, city governments in India have displaced the slum dwellers from the inner city to the periphery through forced resettlement programs. Following liberalization and India’s entry into the global investment market in 1991, India adopted decentralized governance, forming community-based governing agencies called Urban Local Bodies (ULBs). Since the 1990s city governments along with the ULBs and transnational firms (TNCs), which constitute India’s ‘growth

coalition,<sup>1</sup> have undertaken projects to restructure the social and spatial composition of the city to create a slum-free city to attract foreign investment (Bhan 2009, Ghertner 2011; Kundu 2009). Delhi's growth coalition also includes the middle class and the judiciary indirectly. For example, the middle class has cast slum dwellers in the inner city as encroachers, 'nuisance,' and agents of environmental degradation to legitimize their plea for slum eviction, leading to issuance of court orders for slum eviction (Baviskar 2003; Ghertner 2011, 2012). Delhi's growth coalition has evicted around 420,000 slum households in the inner parts of Delhi since the 1990s, constituting 15% of the city's population (Sheikh et al. 2014). Approximately 50% of the displaced poor have been resettled in the planned resettlement colonies located in the periphery. This paper is based on the findings from a field research that I conducted during summer 2015<sup>2</sup> in one such resettlement site, Savda Colony, located in Delhi's western periphery established in 2005-06 (Figure 1).

**Figure 1: Location of Savda Colony, Delhi, 2015**



Delhi's resettlement policy permits the resettled to live on—but not own, rent or sell—plots, and prohibits commercial activities in the resettlement colonies. However, interviews with current residents revealed that lack of job opportunities, land tenure rights, and prohibition of commercial

<sup>1</sup> The term "growth coalition" emanates from literature on political economy of urban space denoting a coalition of the government with private corporations and local governing agencies to restructure urban space oriented towards economic growth (Logan and Molotch 2007).

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activities compelled approximately 40 percent of the resettled to sell their plots through illegal land markets controlled by land mafias who sell the plots to other displaced poor lacking entitlement to resettlement. Although the growth coalition is aware of the emerging illegal practices in these colonies no action has been taken yet, which raises questions regarding the governing rationality of Delhi's growth coalition. *I ask why the resettled slum dwellers are restricted from owning, selling or renting their plots. What does this tell us about the rationalities of Delhi's growth coalition regarding displacement and urban planning?*

Slum dwellers adopt various strategies to cope with the effects of displacement. The displaced poor located in Delhi's periphery often form local collaborations with various non-governmental organizations (NGOs) to cope with the lack of sanitation, health care and safe drinking water (Banda and Sheikh 2014). These NGOs facilitate access to basic amenities and often provide vocational training and temporary jobs to the slum dwellers. In Delhi's resettlement colonies the NGOs have taken up the responsibility of the government to take care of its citizens and provide access to basic amenities and jobs, a process known as "roll-out neoliberalism" (Peck & Tickell 2002). Such devolution of care/welfare responsibility of the government has achieved substantial attention in the literature on neoliberalism in India and across the world (Addie 2013; Kundu 2009; Peck & Tickell 2002). Scholars also have recognized that the displaced slum dwellers in the resettled colonies often leave their plots and squat again in the public land in the inner city as a coping strategy (Ramanathan 2006). Although literature has recognized various coping strategies of displaced slum dwellers, research on illegality as a coping strategy is absent. *I ask how practices of illegal activities such as illegal sale and renting of land plots and engagement with commercial activities act as coping strategies. Who among the resettled slum dwellers sell their plots and who do not? How are the*

*sold plots used by the land mafias and other displaced slum dwellers who buy those? What are the implications of production of illegality (illegal activities and settlement) in terms of the expansion of the city and the lived experiences of the local residents?*

To answer these sets of research questions I conducted ethnographic field research during summer 2015 in Savda Colony in Delhi. I have conducted 20 formal semi-structured interviews with resettled slum dwellers in Savda, 5 semi-structured interviews with members of Non-Governmental Organizations (NGOs), 2 interviews with public officials at the Delhi Urban Shelter Improvement Board (DUSIB) at Savda. I also have conducted participant observation at sessions with lawyers assisting resettled slum dwellers on property issues organized by NGOs, at land transaction sites. To map land plots sold through illegal markets, I have conducted walking interviews with NGO workers and participatory GIS mapping. In the following sections I will analyze the findings with respect to each of these sets of research questions. Following the conceptual framework, I will uncover the growth coalition's strategy behind the resettlement policy and its implications for the governance of poverty. Further, I will unpack the implications of the illegal practices adopted as coping strategies by the displaced slum dwellers.

## **Conceptual Framework**

### ***Conceptualizations of Displacement and Resettlement in India***

*Political Economy (Marxist) Approach:* The political economy or Marxist approach to Asian urbanism conceptualizes displacement as a territorialization of poverty (Bhan & Shivanand 2013; Desai 2012). Research has focused on the processes, strategies, and underlying rationalities to create clean and slum-free urban spaces in the inner city to attract foreign investment by invisibilizing poverty and displacing it to the periphery (Bhan 2013; Kundu 2011). Resettlement, therefore, is an institutionally operationalized 'plebeinization' of the poor,

segregating the common people or plebs (lower class, racial and ethnic poor) into peripheral resettlement sites (Chatterjee 2014, p88). This conceptualization of resettlement dovetails with the Anglo-American conceptualization of “spatio-institutional fix” – the process of creating spaces attractive to foreign investment through privatization of public land (Peck & Tickell 1994). The political economy approach therefore casts displacement and resettlement in terms of a top-down, for-profit process deployed by the private corporations in partnership with the state to restructure the urban space. The political economy approach richly explains dynamics of displacement and resettlement, but it lacks attention to how displacement may prompt daily negotiations among multiple actors such as the residents, local leaders, mafias and growth coalition agents.

*Poststructural (Foucauldian) Approach:* A Foucauldian approach of ‘governmentality,’ which refers to the governance of a mentality through calculated tactics that guide everyday practices of citizens to comply to societal norms (Dean 2011; Dupont & Pearce 2001; Ettlinger 2011; Foucault 1991), is useful towards explaining how multiple actors become enrolled in discourses, norms, and strategies of displacement. For example, although slum dwellers in central Delhi resist the eviction and forced resettlement programs, ironically some of the slum dwellers also aspire to live in a slum-free ‘global-city’ without so-called ‘filth’ (Bhan 2013b; Ghertner 2012, 2015). Scholars have argued that this mentality is created and sustained by enrolling an ‘assemblage’ (Foucault 1980: 194; Li 2007) of multiple actors beyond private corporations and the government, including, for example, the middle class who have cast the slum dwellers in the inner city as encroachers, ‘nuisance,’ and agents of environmental degradation to legitimize their plea for slum eviction (Baviskar 2003; Ghertner 2011, 2012). Scholars also have shown the compliance of many slum dwellers in displacement (Ghertner

2012; Roy 2014), which is consistent with some of my preliminary results. For example, many slum dwellers in central Delhi support the resettlement program with the aspiration to become included in the legal system of the city (Ghertner 2012). I have used an overarching Foucauldian framework to connect ground level practices among the resettled and the artists with governmental discourses, societal norms and tactics of governance and investigate the various perceptions of multiple actors regarding displacement and resettlement.

### **Coping Strategies, Popular Illegalities, Informality and Street-Level Bureaucrats**

Slum dwellers adopt various strategies to cope with displacement. The displaced poor located in Delhi's periphery often form local collaborations with various non-governmental organizations (NGOs) to cope with the lack of sanitation, health care and safe drinking water (Banda and Sheikh 2014). These NGOs facilitate access to basic amenities and often provide vocational training and temporary jobs to the slum dwellers. In Delhi's resettlement colonies the NGOs have taken up the responsibility of the government to take care of its citizens and provide access to basic amenities and jobs, a process known as "roll-out neoliberalism" (Peck & Tickell 2002). Such devolution of care/welfare responsibility of the government has achieved substantial attention in the literature on neoliberalism in India and across the world (Addie 2013; Kundu 2009; Peck & Tickell 2002). Scholars also have recognized that the displaced slum dwellers in the resettled colonies often leave their plots and squat again in the public land in the inner city as a coping strategy (Ramanathan 2006). Although literature has recognized various coping strategies of displaced slum dwellers, research on illegality as a coping strategy is absent.

I have used Foucault's (1977) conceptualization of 'popular illegalities' – the tacit and tolerated non-enforcement of laws – to analyze the emergence of illegal practices in the resettlement colony in Delhi and its treatment by the city government-business complex. Illegal



activities do not necessarily indicate the absence of order or norms; rather, the widespread nature of illegal practices constitutes ‘normal’ life. In the resettlement colonies in Delhi informal institutions of land markets and illegal commercial activities sustain a locally organized system of livelihood for the poor, setting the government free of welfare-related responsibilities such as providing land tenure or jobs. Significantly, illegal activity is understood differently in India than that in the United States. In the resettlement colony the displaced slum dwellers use the term “anadhikarik” which literally means unofficial or informal. Although it is illegal to sell plots it is not considered ‘illegal’ because it is a popular practice.

Popular illegal practices are supported by the local leaders and public service agents. The notion of ‘street-level bureaucrats’ – low-level officers in the public sector – a concept developed by Lipsky (1980, 2014), is useful in explaining the crucial yet often overlooked ways in which local actors perceive and practice policy in their everyday lives. Lipsky explained how the street-level bureaucrats routinely interpret policies and regulations formulated by planners. Extending the conceptualization of street-level bureaucrats to include multiple actors such as growth coalition agents, local leaders, mafias and residents, these street-level bureaucrats constantly interpret resettlement policy through their experiences and biases. In the resettlement colonies it is important to recognize how the provisions of the resettlement policy are interpreted by street-level bureaucrats and their implications for the regime of planning.

### **Findings & Analysis**

Here, I draw from Foucault’s (1977) conceptualization of ‘popular illegalities’ – the tacit and tolerated non-enforcement of laws – to analyze the emergence of illegal practices in the resettlement colony in Delhi and its treatment by Delhi’s growth coalition. Illegal activities do not necessarily indicate the absence of order or norms; rather, the widespread nature of illegal

practices constitutes ‘normal’ life. In the resettlement colonies in Delhi informal institutions of land markets and illegal commercial activities sustain a locally organized system of livelihood for the poor, setting the government free of welfare-related responsibilities such as providing land tenure or jobs. Interestingly the sale of the resettlement plots is illegal although these are authorized by local leaders rendering the concepts of the “illegal” separate from that of the “unauthorized” or “informal”. In the context of Delhi’s resettlement colonies, I conceptualize the intersection between the illegal and the authorized realms as the realm of “popular illegality”. So why is this conceptualization important? I argue because what constitutes punishable offense by Delhi’s growth coalition and the consequent treatment of illegal practitioners is determined by the temporality and spatiality of the practice. For example, occupying public land in the inner city is considered illegal and punishable and therefore those slum dwellers were evicted. However, similar illegal occupancy of land by ineligible slum dwellers in the resettlement sites does not lead to immediate eviction because these peripheral and liminal spaces are less valuable for developmental projects and are unattractive to foreign investors. However, when the city needs more land for expansion, the city government will evict the illegally occupied displaced population.

### ***Resettlement & the Governmental Rationality of Delhi’s Growth***

*“We know we might be displaced again and they (the city government officials) know we might be squatting again. Like all of us (displaced slum dwellers) the government officials are also aware of the illegal land transactions between the resettled slum dwellers and the land mafias in the resettlement colonies”*

Bhola, a resident of Savda, casually expressed his anguish owing to displacement and consequent resettlement in a peri-urban location. He stressed on two aspects of the displacement and resettlement experience of slum dwellers as well as the city government officials - the experience of multiple rounds of displacement among the slum dwellers in

Delhi and the awareness of the city government officials regarding popular illegal practices. Interviews with public officials at the DUSIB revealed that they prohibit rights to own, sell or rent resettlement plots to stop the slum dwellers from selling their plots to earn cash and squatting back in the inner city. This is a strategy of Delhi's growth coalition to contain slum dwellers in the periphery.

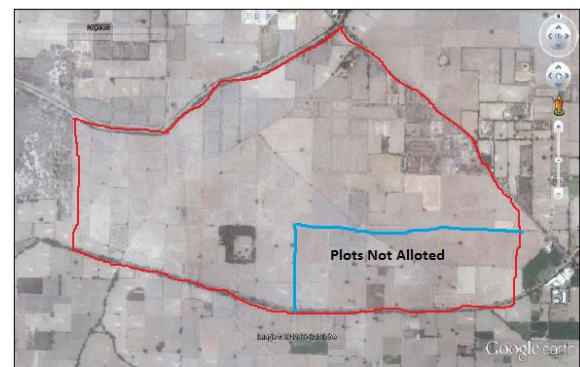
### ***Illegal Land Transaction as Coping Strategy***

Interviews and focus groups with the displaced slum dwellers revealed that most men lost their previous jobs in central Delhi because peripheral areas lacked job opportunities as well as public transportation to access jobs elsewhere. Women,

**Figure 2. Evolution of Settlement: Area under Red-colored line is Savda**



**2006: 3500 Slum Households Resettled**



**2005: Agriculture Land**



**2015: 8700 Households Resettled**

**Empty plots represent land speculation sites owned by land mafias (except plots not allotted by the government to slum dwellers)**

however, had been engaged in industrial homework (e.g. stitching, tailoring, shoe-making for multinational corporations); they therefore retained their jobs because their workplace was the homeplace. Devoid of job opportunities many male slum dwellers engage in illegal land transaction. Three forms of illegal land transactions occur in Savda.

•Families are Consolidating: Hindu upper-caste families of slum dwellers with relatively better resources and contacts buy adjacent plots to construct bigger houses.

•Land Speculation by Mafias: Mafias recruit slum dwellers to work for them. Mafias keep the plots unused and sell when the land prices rise and share minuscule proportions of profits with recruited slum dwellers (Figures 2 & 3). Land value in Savda has increased from INR 500 per sq. feet to INR 16000 per sq. feet.

•Creating Rental Estates: Both mafias and slum dwellers rent their plots for multiple purposes such as residential or commercial.

**Figure 3: Land Speculation Site:**  
**Empty plots left unused by land mafias. Sell when land price rises.**

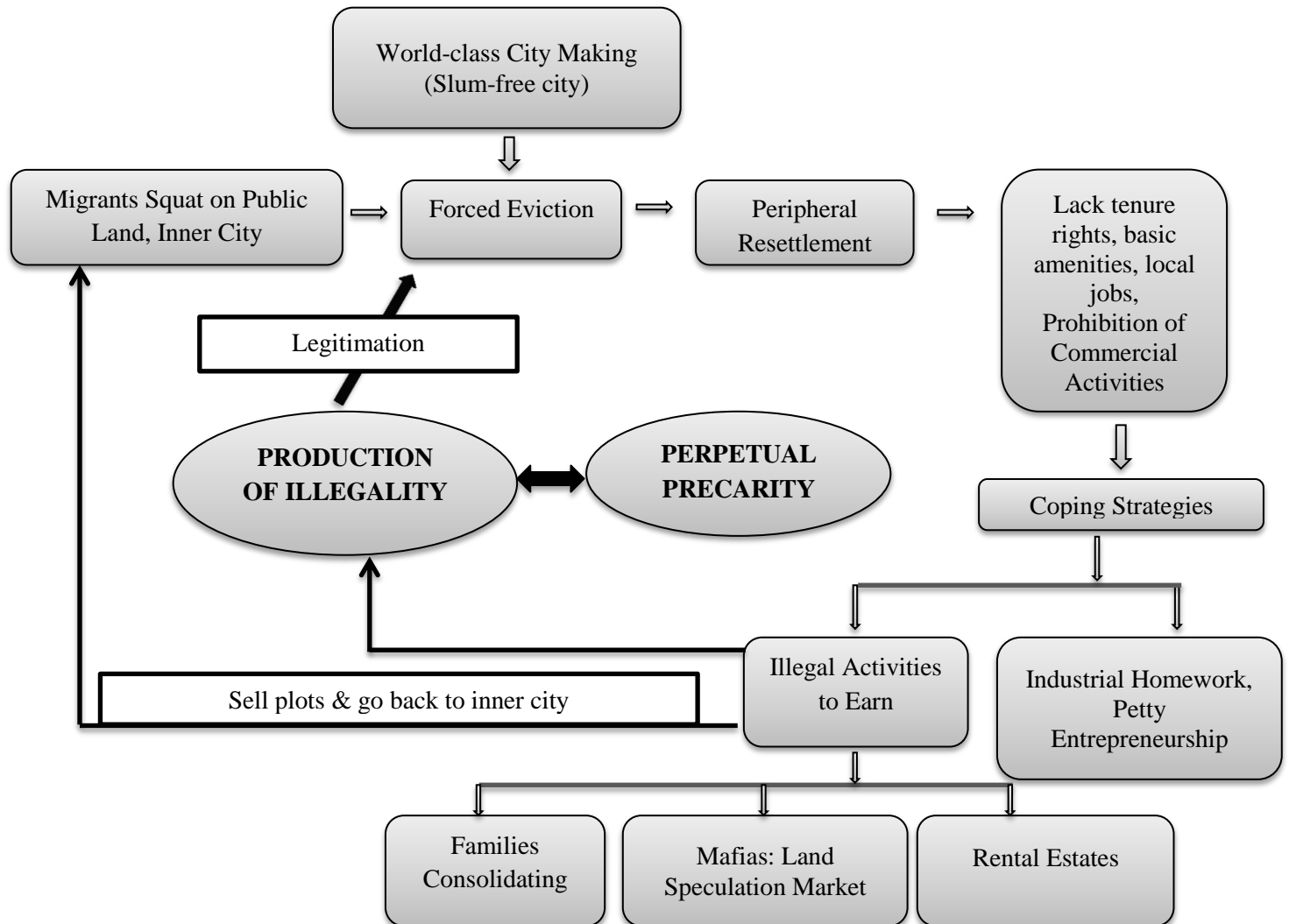


### **Implications & Significance**

‘Legitimation,’ the act of making something acceptable to the public, is an important strategy for land grabs in urban planning in India. Moving beyond the common conception that resettlement territorializes the poor, this research shows that resettlement also is a process creating new forms of illegal settlements, legitimizing further rounds of eviction by the growth coalition to acquire more land for development projects (Figure 4). The threat as well as experience of multiple rounds of displacement legitimized through the production of illegality thereby constructs

precarity, a persistent condition of uncertainty having deleterious consequences among the displaced slum dwellers.

**Figure 4: Multiple Displacements through Production of Illegality & Precarity**



This research contributes to the literature on ‘popular illegality’ and connects it with the literature on displacement and urban planning. It uncovers how production of illegality creates perpetual precarity among the slum dwellers while the city persistently expands spatially through a circular process of displacement.

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